UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,983	02/25/2004	Masaki Tonomura	826.1929	8965

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EXAMINER
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ART UNIT	PAPER NUMBER
2863	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/784,983	TONOMURA ET AL.
	Examiner	Art Unit	
	Hien X. Vo	2863	.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>18 April 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *12,13,15 and 16* is/are allowed.

6) ☒ Claim(s) *1-8,10,11 and 17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>25 February 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over

Weinberg et al. (U.S. Patent No. 6,587,969) further in view of Nelson et al. (U.S. Patent

No. 6,507,861).

With respect to claim 1, Weinberg et al. disclose the software system and

methods for testing the functionality of a transactional server including an electronic

text parsing unit, the electronic text parsing unit emulating the receiving portion of a

server by parsing an electronic text transmitted from a program to be tested

to detect a required data item (see e.g. Figs. 6A-7 and col. 1, lines 48-53, col. 21, lines

10-13); and an electronic text data setting unit embedding an input data value, which

corresponds to the detected data item, in an electronic text to be transmitted to a side

of the program to be tested (see e.g. Figs. 3A-5F and col. 13, lines 30-67), except for

teaching wherein a stub-call unit to invoke the stub apparatus is provided in the

program to be tested. However, Nelson et al disclose a system and method for

avoiding deadlock in a non-preemptive multi-threaded application running in a non-

preemptive multi-tasking environment including a stub-call unit to invoke the stub

apparatus is provided in the program to be tested (see e.g. Fig. 4, col. 3, lines 58-67

and col. 8, lines 30-33). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Weinberg to have use of a stub-

call unit in the program to be tested as taught by Nelson in order to have a maximum

background processing in a multi-tasking operation system.

With respect to claims 2-4, Weinberg et al. disclose the invention as claimed

including a setting screen generating unit generating a data setting screen for receiving

the input data value, which corresponds to the detected data item, and giving the set

value said electronic text data setting unit (see e.g. Figs. 2-5F); an input value

generating unit automatically generating input data in correspondence with the data

item detected by said electronic text parsing unit, and giving the generated input data to

said setting screen generating unit (see e.g. col. 3, lines 11-28), an electronic text data

storing unit storing the set data value embedded by said electronic text data setting unit

(see e.g. col. 15, lines 15-34); and an electronic text data reading unit reading the data

stored in said electronic text data storing unit, and giving the read data to the setting

screen generating unit as the input data (see e.g. col. 21, lines 8-21), transmitting data

to the client in response to the request for server functionality and parameters of a

server function call, the transmitted data produced by a stub program emulating server

functionality (see e.g. col. 2, lines 25-40).

With respect to claims 5-8, 10-11, the limitations of these claims have been noted

in the rejection above. They are therefore consider rejected as set forth above.

Allowable Subject Matter

2.   Claims 12-13, 15-16 allowed.

The following is a statement of reasons for the indication of allowable subject

matter:

For claims 12, 15-16 the prior does not teach an electronic text data setting unit

embedding an input data value, which corresponds to the detected data item, in an

electronic text to be transmitted to a side of the program to be tested; wherein a stub-

call means to invoke the stub apparatus is provided in the program to be tested; the

electronic text includes attribute information including a name, a type, an allowable

format, and an allowable size of the required data item; a time point of the transmission

of the electronic text from the program to be tested to the stub apparatus is at the same

time as or later than a point when the stub apparatus is invoked; and the transmission of

the electronic text from the program to be tested to the stub apparatus precedes a point

when information is transmitted from the stub apparatus to the program to be tested

firstly after the point when the stub apparatus is invoked.

For claim 13, the prior art does not teach a computer-readable portable storage

medium, which is used by a computer for testing a program for executing a process with

externally given data and on which is recorded a stub program for causing the computer

to execute a process, the process comprising: parsing an electronic text transmitted

from a program to be tested to detect a required data item; and embedding an input

data value, which corresponds to the detected data item, in an electronic text to be

transmitted to a side of the program to be tested; wherein a stub-call means to invoke

the stub program is provided in the program to be tested; the electronic text includes

attribute information including a name, a type, an allowable format, and an allowable

size of the required data item; a time point of the transmission of the electronic text from

the program to be tested to the stub program is at the same time as or later than a point

when the stub program is invoked; and the transmission of the electronic text from the

program to be tested to the stub program precedes a point when information is

transmitted from the stub program to the program to be tested firstly after the point

when the stub program is invoked.

3.   Applicant's arguments filed 04/18/07 have been fully considered but they are not

persuasive. The applicant's arguments that Weinberg does not teach or suggest "an

electronic text parsing unit, the electronic text parsing unit emulating the receiving

portion of a server by parsing an electronic text transmitted from a program to be tested

to detect a required data item," as in amended claim 1.   However, The prior art still read

on the certain features of applicant's invention (see e.g. col. 1, lines 28-53).

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
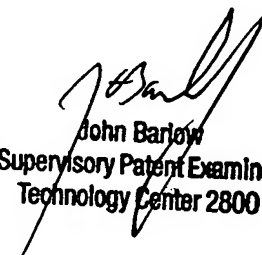
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hien Vo
07/06/07

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